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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/040,509 03/17/98 KATZ

R 233-134

EXAMINER

WM02/0313

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WDD, S

ART UNIT

PAPER NUMBER

2643

DATE MAILED:

03/13/01

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/040,509

Applicant(s)

Katz

Examiner

Stella Woo

Group Art Unit
2643



☒ Responsive to communication(s) filed on Dec 26, 2000

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 29-42 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 29-42 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Application/Control Number: 09/040,509

Art Unit: 2643

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication entitled "The AT&T Multi-Mode Voice Systems - Full Spectrum Solutions for Speech Processing Applications" (hereinafter "Hester") in view of Szlam et al. (USPN 4,797,911, hereinafter "Szlam").

Hester discloses a process including the steps of:

receiving said call data signals (DNIS; page 3, second paragraph);

providing verbal prompts (via voice response unit; Fig. 1);

receiving data (via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example);

providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph). Hester clearly provides for various applications in which data received from callers would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

Application/Control Number: 09/040,509

Art Unit: 2643

Hester differs from claims 29-35 in that it does not explicitly provide for updating callers' files and receiving caller identification signals entered by the caller. However, Szlam, from the same field of endeavor, teaches the desirability of storing an historical record for each calling customer (customer account information is stored in mainframe 16), updating the customer's files for subsequent processing (col. 11, lines 10-28; col. 12, lines 29-66; col. 13, lines 22-42), and receiving a caller's telephone number via ANI or DTMF key input (voice message played depends on whether the identified customer has an established account and customer input; col. 12, line 9 - col. 13, line 54) such that it would have been obvious to an artisan of ordinary skill to incorporate such updating of files and caller identification, as taught by Szlam, within the method of Hester in order to identify the customer, maintain current customer information, keep a record of each call and allow customers to change a previous order.

Regarding claim 32, note attendant line interface (Fig. 1).

3. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hester in view of Szlam, and further in view of Riskin (USPN 4,757,267).

Hester discloses a process including the steps of:

- receiving said call data signals (DNIS; page 3, second paragraph);
- providing verbal prompts (via voice response unit; Fig. 1);
- receiving data (via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example);

Application/Control Number: 09/040,509

Art Unit: 2643

providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph). Hester clearly provides for various applications in which data received from callers would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

Hester differs from claims 33-35 in that it does not explicitly provide for updating callers' files. However, Szlam, from the same field of endeavor, teaches the desirability of storing an historical record for each calling customer (customer account information is stored in mainframe 16) and updating the customer's files for subsequent processing (col. 11, lines 10-28; col. 12, lines 29-66; col. 13, lines 22-42) such that it would have been obvious to an artisan of ordinary skill to incorporate such updating of files, as taught by Szlam, within the method of Hester in order to maintain current customer information, keep a record of each call and allow customers to change a previous order.

The combination of Hester and Szlam further differs from claims 33-35 in that it does not specify generating sequence data relating to transactions. However, Riskin teaches the desirability of generating sequence numbers to identify each call (note sequential control number; col. 17, line 35 - col. 18, line 13) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of such a sequential control number, as taught by Riskin, within the combination of Hester and Szlam in order to maintain a record of each call.

Application/Control Number: 09/040,509

Art Unit: 2643

4. Claims 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hester and Szlam, and further in view of Barger, Jr. et al. (USPN 4,071,698, hereinafter "Barger").

Hester discloses a process including the steps of:
receiving said call data signals (DNIS; page 3, second paragraph);
providing verbal prompts (via voice response unit; Fig. 1);
receiving data (via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example);
providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph). Hester clearly provides for various applications in which data received from callers would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

Hester differs from claims 36-42 in that it does not explicitly provide for updating callers' files. However, Szlam, from the same field of endeavor, teaches the desirability of storing an historical record for each calling customer (customer account information is stored in mainframe 16) and updating the customer's files for subsequent processing (col. 11, lines 10-28; col. 12, lines 29-66; col. 13, lines 22-42) such that it would have been obvious to an artisan of ordinary skill to incorporate such updating of files, as taught by Szlam, within the method of

Application/Control Number: 09/040,509

Art Unit: 2643

Hester in order to maintain current customer information, keep a record of each call and allow customers to change a previous order.

The combination of Hester and Szlam differs from claims 36-42 in that it does not specify defining a limit on use. However, Barger teaches the desirability of defining a limit on the number of uses by identified callers in an interactive voice-telephony system (col. 11, lines 34-47) such that it would have been obvious to an artisan of ordinary skill to incorporate the limited use feature, as taught by Barger, within the combination of Hester and Szlam in order to prevent overuse by a single caller.

Regarding claims 41 and 42, Szlam provides for identifying customers using ANI information (via ANI decoder 10a28).

5. Applicant's arguments with respect to claims 29-35 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's arguments filed December 26, 2000 regarding claims 36-42 have been fully considered but they are not persuasive.

Applicant argues that neither of the three references (Hester, Szlam or Barger), alone or in combination, teach the particular feature of "testing calling number identification data to specify a basis for entitlement defining a limit on use..." The examiner disagrees. In the combination of Hester and Szlam, the calling customer's account is identified by the caller's telephone number (Szlam, col. 12, lines 29-42) and Barger limits the number of uses based on the calling customer's

Application/Control Number: 09/040,509

Art Unit: 2643

identification (col. 11, lines 18-47) such that the combination of Hester, Szlam and Barger would result in a use limit placed on calling customers, as identified by their calling number identification.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296;

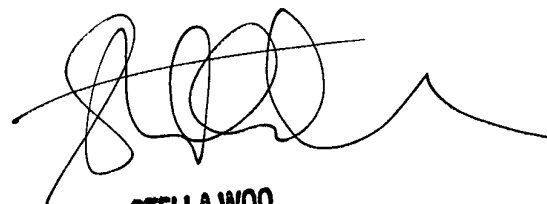
Application/Control Number: 09/040,509

Art Unit: 2643

(for formal communications, please mark "EXPEDITED PROCEDURE";
and for informal or draft communications, please label "PROPOSED" or
"DRAFT").

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395 and can normally be reached from 6:00 a.m. until 2:30 p.m., Monday through Friday.

March 12, 2001



STELLA WOO
PRIMARY EXAMINER